HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO : 10902 of 2006

06-06-2006

Between:
Bolam Appala Naidu s/o Ramachandrudu

..... PETITIONER

AND

1. The Additional Agent to Government-cum-Project Officer, I.T.D.A., Paderu. And others.

.....RESPONDENTS

HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO : 10902 of 2006

O r d e r:

The petitioner claims title and possession in respect of land to an extent of Ac.8.64 cents in Survey No.74 of Kondagokiri village of Koyyuru Mandal in Visakhapatnam District.

It is not in dispute that the land in question has been declared as scheduled area and the provisions of A.P. Scheduled Areas Land Transfer Regulation Act 1 of 1959 (for short, 'the Regulation 1 of 1959'). Having initiated proceedings under Section 3(2)(a) of the Regulation 1 of 1959, the 2nd respondent herein passed an order of ejection on 24-09-2003 holding that the writ petitioner, a non-tribal, was in occupation of the land in question in contravention of the provisions of Regulation 1 of 1959 as amended by Regulation 1 of 1970. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent on 28-05-2004. He states that pending the said appeal though he sought for stay of operation of the order of ejection dated 24-09-2003, the 1st respondent failed to consider the same. It is pleaded that while the appeal is pending, the respondents are taking coercive steps to evict the petitioner from the land in question, pursuant to the order of ejection dated 24-09-2003. Hence this writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents 1 and 2 and having regard to the facts and circumstances of the case, I am

of the opinion that it would be appropriate to maintain status-quo with regard to the possession of the land in question till the statutory appeal is decided in accordance with law.

Accordingly, without expressing any opinion on merits, the writ petition is disposed of with a direction to the 1st respondent-Additional Agent to Government-cum-Project Officer, I.T.D.A.Paderu, to dispose of the appeal pending on his file against the order in LTR No. 274/92 dated 24-09-2003, if not already disposed of, as expeditiously as possible preferably within a period of six weeks from the date of receipt of this order. Till such time, status-quo obtaining as on to-day as to the nature and possession of the land in question shall be maintained. No costs.

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06-06-2006

Mjl/*